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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,478	12/30/2004	Avigdor Bieber	P-5022-US	2656
49443	7590	09/28/2006	EXAMINER	
PEARL COHEN ZEDEK, LLP			JOHNSON, CONNIE P	
1500 BROADWAY 12TH FLOOR				
NEW YORK, NY 10036			ART UNIT	PAPER NUMBER
			1752	

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/519,478	BIEBER ET AL.
	Examiner Connie P. Johnson	Art Unit 1752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 May 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>05/24/06</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Response to Amendment***

1. The amendment and remarks filed May 24, 2006 have been entered and fully considered.
2. Claims 1-12 are pending.
  - a. Claims 13-23 are cancelled per Applicant's request.

### ***Response to Arguments***

3. Applicant's arguments, see pages 1-4, filed May 24, 2006, with respect to the rejection(s) of claim(s) 1-12 under 102(b) and (103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, new ground(s) of rejection is made as detailed above.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teng, U.S. Patent No. 6,245,486 B1 in view of Crawford et al., U.S. Patent No. 4,430,366.

Teng teaches a printing plate comprising a substrate (base layer) and a laser-ablative mask layer (abstract). The printing plate may also comprise a laser-ablative sublayer that meets the limitation of a coating layer (col. 5, lines 1-15). The printing plate may further comprise a thin transparent top layer over the laser-ablative mask layer (film form) (col. 4, lines 55-58). Since the top layer comprises a thin layer of film, it is expected that the layer would have a low surface density. The thin transparent top layer also meets the limitation of a primer layer. The laser-ablative mask layer may comprise UV and infrared light absorbers and is therefore a laser-absorbing layer (col. 5, 15-20). The mask layer may further comprise metals and metal oxides (col. 5, lines 37-39). Teng does not teach the laser-ablative layer and the substrate have a different affinity for ink. However, it would have been obvious to one of ordinary skill in the art that the hydrophilic substrate requires a laser-ablative layer with ink-receptance to effectively develop the printing plate as taught by Teng (col. 11, lines 20-40). Teng does not specifically teach a combination of aluminum/aluminum oxide in the laser-ablative mask layer.

However, Crawford teaches applying aluminum/aluminum oxide compositions by vapor deposition (see example 1). Crawford also teaches varying ratios of aluminum and aluminum oxide throughout the thickness of the layer (col. 3, lines 53-65). Since the aluminum/aluminum oxide concentration ratio varies throughout the thickness of the layer, it is expected to form a gradient dispersion. The aluminum/aluminum oxide layer may comprise an amount of oxygen gas in the layer such that the oxygen gas is less than stoichiometrically equivalent to the aluminum metal. Since the aluminum

composition of Crawford is applied in a closer proximity of the substrate during vapor deposition, it is expected that the non-stoichiometric ratio would be higher in proximity to the substrate. It would have been obvious to one of ordinary skill in the art to use the aluminum composition of Crawford in the printing plate of Teng because the layer formed by Crawford meets the limitation of a laser ablative mask layer in that it is capable of absorbing UV light and capable of being removed after exposure to form an effective aluminum/aluminum oxide coating.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Connie P. Johnson whose telephone number is 571-272-7758. The examiner can normally be reached on 7:30am-4:00pm Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Connie P. Johnson  
Examiner  
Art Unit 1752

CYNTHIA H. KELLY  
SUPERVISORY PATENT EXAMINER  
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